

JO ANN HOWARD &  
ASSOCIATES, P.C., *et al.*,

Plaintiffs,

VS.

J. DOUGLAS CASSITY, *et al.*,

Defendants.

Case No. 4:09CV01252 ERW

## MEMORANDUM AND ORDER

This matter comes before the Court on Defendant J. Douglas Cassity’s “Motion to Reconsider Memorandum and Order of May 9, 2014 Re: Quashing of Subpoena” [ECF No. 1540].

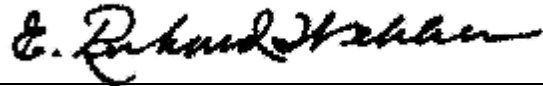
In his Motion, J. Douglas Cassity moves the Court to reconsider its May 9, 2014 Order, in which the Court: 1) struck an affirmative mitigation-of-damages defense asserted in this matter by another defendant, National City; and 2) quashed a subpoena National City served on a non-party arbitrator involved in an arbitration proceeding between a non-party reinsurer, Hannover Life Reassurance Company of America (“Hannover”), and another party defendant, Lincoln Memorial Insurance Company (“Lincoln”) [ECF No. 1535]. In his argument for the Court to reconsider its decision to quash the subpoena, J. Douglas Cassity also is requesting the Court to order an evidentiary hearing regarding Hannover’s alleged “fraudulent ‘strategy’ of driving Lincoln into liquidation” during the arbitration proceeding [ECF No. 1540 at 3]. The Court finds that J. Douglas Cassity lacks standing to challenge the Court’s May 9, 2014 Order, because he does not have a personal interest in National City’s ability to assert an affirmative defense to

the claims brought against it, or in National City's right to seek information in this matter. The question of standing generally challenges whether a party is the proper one to request an adjudication of a particular issue. *Flast v. Cohen*, 392 U.S. 83, 99-100 (1968). The Court will deny Defendant J. Douglas Cassity's Motion to Reconsider.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant J. Douglas Cassity's "Motion to Reconsider Memorandum and Order of May 9, 2014 Re: Quashing of Subpoena" [ECF No. 1540] is **DENIED**.

Dated this 21st day of May, 2014.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE

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